



General Assembly

January Session, 2001

***Raised Bill No. 6552***

LCO No. 3230

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING A LIVESTOCK DEALER LICENSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 22-381 of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       As used in this chapter, "commissioner" means the Commissioner of  
4       Agriculture; "dealer" or "broker" means any person, copartnership,  
5       association, limited liability company or corporation engaged in the  
6       business of buying, receiving, selling or exchanging or negotiating or  
7       soliciting the sale, resale, exchange, transportation, transfer or  
8       shipment of any [cattle or swine] livestock; "agent" means any person  
9       buying or receiving or soliciting or negotiating the sale, resale or  
10      exchange of [cattle or swine] livestock for or on behalf of any dealer or  
11      broker; [and "cattle" means all dairy, feeding, beef or breeding animals  
12      of the bovine genus] "livestock" means hooved animals; "livestock  
13      producer" means a person involved in breeding, feeding and growing  
14      livestock.

15      Sec. 2. Section 22-382 of the general statutes is repealed and the  
16      following is substituted in lieu thereof:

17 The provisions of this chapter shall not apply to (1) any [dairyman,  
18 grower of swine] livestock producer, association, copartnership or  
19 corporation which by dispersal sale is permanently discontinuing the  
20 business of [dairying,] breeding [or] and feeding [cattle, or growing  
21 swine] livestock; (2) any person, association, copartnership or  
22 corporation which sells [cattle or swine] livestock which have been  
23 raised on the premises of such person, association, copartnership or  
24 corporation; (3) any person who does not buy, receive, sell or exchange  
25 or solicit or negotiate the sale, resale, exchange or shipment of [cattle or  
26 swine] livestock in the aggregate of more than ten head in any one  
27 license year; (4) any [dairyman] livestock producer who purchases or  
28 receives [cattle] livestock for the [sole] purpose of producing milk,  
29 [and] meat or other products derived from animals or improving [his]  
30 said livestock producer's own herd or flock; (5) any butcher, packer or  
31 processor to whom [cattle or swine] livestock are delivered which are  
32 used exclusively for immediate slaughter; (6) any farmer who buys or  
33 receives [cattle or swine] livestock for grazing and feeding and sells or  
34 disposes of such [cattle or swine] livestock after a feeding or grazing  
35 period of not less than sixty days; or (7) any railroad or trucking  
36 concern whose primary business is trucking animals either intrastate  
37 or interstate.

38 Sec. 3. Section 22-383 of the general statutes is repealed and the  
39 following is substituted in lieu thereof:

40 No dealer or broker shall engage in or carry on the business of  
41 buying, receiving, selling, exchanging, transporting or negotiating or  
42 soliciting the sale, resale, exchange, transportation or transfer of any  
43 [cattle or swine] livestock within the state unless licensed as  
44 hereinafter provided. Such dealer or broker shall be responsible for  
45 acts performed or contracts made in connection with buying,  
46 receiving, selling, exchanging, transporting or negotiating or soliciting  
47 the sale, resale, exchange, transportation or transfer of [cattle or swine]  
48 livestock by any person or individual employed by such dealer or  
49 broker.

50       Sec. 4. Section 22-384 of the general statutes is repealed and the  
51       following is substituted in lieu thereof:

52       Any person before engaging in the business of a dealer or broker  
53       shall file an application with the commissioner on a form prescribed by  
54       the commissioner and pay a license fee. The fee shall be one hundred  
55       fifty dollars, provided the fee may be increased by the commissioner  
56       by regulations adopted in accordance with the provisions of chapter  
57       54. Such application shall state the nature of the business, the type of  
58       [cattle or swine] livestock the applicant proposes to handle, the name  
59       of the person applying for a license and, if the applicant is a firm,  
60       association, partnership or corporation, the full name of each member  
61       of such firm, association or partnership or the names of the officers of  
62       the corporation, and the name of the agent or agents of the applicant,  
63       the municipality and post-office address at which business is to be  
64       conducted and such other facts as the commissioner may prescribe.  
65       The applicant shall further satisfy the commissioner as to [his or its]  
66       the applicant's character, financial responsibility and good faith in  
67       seeking to engage in the business.

68       Sec. 5. Section 22-385 of the general statutes is repealed and the  
69       following is substituted in lieu thereof:

70       Upon compliance by the applicant with section 22-384, as amended  
71       by this act, the commissioner shall, subject to the provisions of this  
72       chapter, issue a license entitling the applicant or [his] the applicant's  
73       agents to conduct the business of buying or receiving [cattle or swine]  
74       livestock or receiving, selling, exchanging or soliciting or negotiating  
75       the sale, resale, exchange or shipment of [cattle or swine] livestock at  
76       the place named in the application until June thirtieth next following.  
77       Such license shall be renewable annually, unless suspended or  
78       revoked, on payment of a fee of fifty dollars.

79       Sec. 6. Section 22-386 of the general statutes is repealed and the  
80       following is substituted in lieu thereof:

81 For failure or refusal of a licensee to obey the provisions of this  
82 chapter, the commissioner may suspend or revoke the license held by  
83 such licensee. Whenever the commissioner is satisfied of the existence  
84 of any one or more reasons for revoking a license as provided for in  
85 this chapter, before revoking such license the department shall give  
86 written notice of a hearing to be had thereon to the licensee affected.  
87 Such notice shall be sent by registered or certified mail to the licensee  
88 at least ten days prior to the date set for the hearing at the department.  
89 On the day of the hearing the commissioner may hear the evidence  
90 presented by the licensee and any other witnesses, and the  
91 commissioner shall within a reasonable time thereafter render a  
92 decision. Any licensee aggrieved by the decision of the commissioner  
93 may appeal therefrom in accordance with the provisions of section 4-  
94 183, except venue for such appeal shall be in the judicial district of  
95 New Britain. The following actions by the applicant or licensee shall  
96 constitute just cause for revoking or refusing a license: (1) The violation  
97 of state laws or official regulations governing intrastate or interstate  
98 movement of [cattle or swine] livestock; (2) where there have been  
99 false or misleading statements with regard to the results of official  
100 diagnostic tests of livestock diseases approved by the commissioner  
101 and the [Agricultural Research Service of the] United States  
102 Department of Agriculture [for the diseases of bovine brucellosis or  
103 tuberculosis, vesicular exanthema of swine, foot and mouth disease,  
104 anaplasmosis and anthrax,] or with regard to ownership; (3) the  
105 buying or receiving of [cattle or swine] livestock, selling or exchanging,  
106 or soliciting resale, exchange, transport or transfer, of animals officially  
107 [branded] designated by the Department of Agriculture as being  
108 diseased, a quarantined animal, or animals from quarantined herds [;  
109 provided this subsection shall not apply to cattle which have reacted to  
110 any official test used for the detection of tuberculosis or brucellosis, or  
111 to cattle in a herd under quarantine for the presence of the diseases  
112 tuberculosis or brucellosis when such cattle are disposed of in  
113 conformity with state laws and regulations governing disposal of such  
114 cattle] or flocks; (4) failure of the licensee to practice approved

115 measures of sanitation of barns, stables, premises or vehicles used for  
116 stabling, holding or transporting of [cattle or swine] livestock; (5)  
117 consistent or continual failure to keep records required by the  
118 commissioner or by law, or refusal to produce books, accounts or  
119 records of transactions in the carrying on of the business for which the  
120 license is granted; (6) failure to comply with any provision of the  
121 general statutes or regulations thereunder relating to [cattle or swine,]  
122 livestock; and (7) where a license to deal in livestock, issued to the  
123 applicant or licensee by another state, has been suspended or revoked  
124 by such state within five years next preceding the date of issuance or  
125 renewal of a license under the provisions of section 22-385, as  
126 amended by this act.

127 Sec. 7. Section 22-387 of the general statutes is repealed and the  
128 following is substituted in lieu thereof:

129 Every dealer or broker shall keep accounts, records and memoranda  
130 which shall fully and clearly disclose all transactions of [his] such  
131 dealer's or broker's business, including the true ownership of the  
132 business. Such records shall be made available at any time for  
133 inspection by the commissioner or [his] the commissioner's authorized  
134 agent to determine the origin and destination of any livestock handled  
135 by the licensee but information relating to the general business of any  
136 such person disclosed by the investigation and not related to the  
137 immediate purpose thereof shall be treated as of a confidential nature  
138 by the commissioner or [his] the commissioner's agent.

139 Sec. 8. Section 22-388 of the general statutes is repealed and the  
140 following is substituted in lieu thereof:

141 (a) All livestock owned by a livestock dealer or held by a livestock  
142 dealer, pending sale, exchange, resale or shipment on premises owned,  
143 rented, leased or borrowed by such dealer may be subjected  
144 periodically to diagnostic tests, as deemed necessary by the  
145 commissioner, for infectious diseases. Such tests shall be conducted, at  
146 no expense to the dealer, by the State Veterinarian or designated agent

147 of the commissioner, a veterinarian employed by the federal  
 148 Department of Agriculture or a licensed accredited veterinarian. In the  
 149 case of an animal or animals that test positive to such diagnostic tests,  
 150 or if the commissioner has reason to believe that an infectious disease  
 151 is present in such animal or animals, the commissioner may issue a  
 152 quarantine order pursuant to subsection (c) of this section.

153 (b) All cattle owned by a livestock dealer or held by a livestock  
 154 dealer, pending sale, exchange, resale or shipment on premises owned,  
 155 rented, leased or borrowed by such livestock dealer may be subjected  
 156 periodically to a tuberculin, brucellosis and [blood test by an  
 157 authorized, full-time, salaried veterinarian of the state or federal  
 158 Department of Agriculture at no expense to the dealer] any other  
 159 diagnostic tests as deemed necessary by the commissioner. Such tests  
 160 shall be conducted, at no expense to the dealer, by the State  
 161 Veterinarian or designated agent of the commissioner, a veterinarian  
 162 employed by the federal Department of Agriculture or a licensed  
 163 accredited veterinarian. In the case of an animal or animals that test  
 164 positive to such diagnostic tests, or if the commissioner has reason to  
 165 believe that an infectious disease is present in such animal or animals,  
 166 the commissioner may issue a quarantine order pursuant to subsection  
 167 (c) of this section. Any reactors to the brucellosis or tuberculin test  
 168 shall be branded on the left jaw and a metal tag identifying the animal  
 169 as a reactor affixed to the left ear. Such reactors shall be disposed of by  
 170 slaughter immediately. Indemnity shall be paid on all such reactors in  
 171 the manner provided in section 22-288, provided such reactor shall  
 172 have passed at least one negative test since entering the state and shall  
 173 have been acquired by the dealer in compliance with existing state  
 174 regulations on interstate and intrastate movements of cattle.

175 (c) If a quarantine, due to the presence of an infectious,  
 176 communicable livestock disease, is imposed on [cattle] livestock  
 177 owned by a livestock dealer or held by a livestock dealer pending sale,  
 178 exchange, resale or shipment on premises owned, rented, leased or  
 179 borrowed by such dealer, such dealer shall not be prohibited from

180 engaging in [his] business as a dealer, provided such dealer shall  
181 comply with all quarantine restrictions and sanitation regulations of  
182 the state Department of Agriculture in respect to quarantined animals,  
183 including [individual] official identification as determined by the  
184 commissioner of each such animal [by numbered ear tag] and so  
185 described on the quarantine form issued by the commissioner, and  
186 shall establish a separate set of premises at least one hundred yards  
187 distant from all quarantined premises and pastures used by such  
188 quarantined animals, and provided in no instance shall the same  
189 attendant attend quarantined animals and animals in the healthy  
190 establishment unless disease conditions as determined by the state  
191 Department of Agriculture permit such practices under such sanitary  
192 requirements as are prescribed by the commissioner or [his] the  
193 commissioner's assistant.

194       Sec. 9. Section 22-389 of the general statutes is repealed and the  
195 following is substituted in lieu thereof:

196       Every person licensed under the provisions of this chapter and  
197 conducting business under such license shall keep a copy thereof, to be  
198 furnished by the commissioner, posted in a conspicuous place in, such  
199 person's motor vehicle, on such person or at [his] such person's place  
200 of business and exposed to inspection by any person entitled to make  
201 such inspection. [Any such licensee using a motor vehicle in the course  
202 of business conducted under such license shall display in a  
203 conspicuous manner a license plate issued by the commissioner on  
204 each vehicle so used.] The licensee and each of [his] such licensee's  
205 agents shall, at all times when buying or receiving, selling, exchanging  
206 or soliciting or negotiating the sale, resale or shipment of [cattle or  
207 swine] livestock, carry an identification card, issued by the  
208 commissioner, stating that such licensee or the principal of such agent  
209 is so licensed. The licensee or agent shall exhibit such card to persons  
210 with whom [he] the licensee or agent is negotiating or from whom [he]  
211 the licensee or agent is soliciting business and to the commissioner or  
212 [his] the commissioner's assistant.

213       Sec. 10. Section 22-390 of the general statutes is repealed and the  
214       following is substituted in lieu thereof:

215       The commissioner shall enforce the provisions of this chapter and  
216       shall make such regulations as are necessary for the licensing of [cattle  
217       or swine] livestock dealers or brokers.

218       Sec. 11. Section 22-391 of the general statutes is repealed and the  
219       following is substituted in lieu thereof:

220       Any person who violates or refuses to comply with any provision of  
221       this chapter shall be [fined not less than two hundred dollars nor more  
222       than five hundred dollars for a first offense and not less than five  
223       hundred dollars nor more than one thousand dollars for a second and  
224       each subsequent offense] subject to a civil penalty in accordance with  
225       section 22-7.

***Statement of Purpose:***

To better address existing and emerging livestock disease prevention and control issues which could potentially affect both animal and public health.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*